

UNITED STATES DISTRICT COURT

for the

District of Puerto Rico

United States of America

v.

NICHOLAS PEÑA-GONZALEZ
AKA NICOLAS PEÑA-GONZALEZ,
AKA "NICKY"

Date of Previous Judgment: MARCH 12, 2001

(Use Date of Last Amended Judgment if Applicable)

Case No: 97-284-003 (JAF)USM No: 22198-038RAFAEL ANGLADA, ESQ.

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): _____

III. ADDITIONAL COMMENTS

The Defendant was sentenced to 360 months for his participation in a drug-related crime, firearms, resulting in death. The main charge was murder related to a drug-trafficking offense. The crack retroactivity amendments are not applicable to this case.

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.Order Date: July 2, 2008s/José A. Fusté

Judge's signature

Effective Date: _____
 (if different from order date)

JOSE A. FUSTE, U.S. DISTRICT JUDGE

Printed name and title